



STATE OF MAINE
JOHN E. BALDACCI
GOVERNOR

DEPARTMENT OF CONSERVATION
LAND USE REGULATION COMMISSION
18 ELKINS LANE – HARLOW BUILDING
22 STATE HOUSE STATION
AUGUSTA, ME 04333-0022



PATRICK MCGOWAN
COMMISSIONER

October 1, 2008

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Subject: LURC request for formal response from implementing parties regarding the acceptance of Zoning Petition ZP 707 and the October 1, 2008 Commission-generated amendments

Dear Ms. Davis, Mr. Ahrens, Ms. McDaniel, Mr. Spencer and Mr. Stearns:

Following the conclusion of the Land Use Regulation Commission's public and party hearings in January 2008 on Zoning Petition ZP 707, the Commission expressly stated that it wished to create a process that would allow it to explore whether Plum Creek's proposed Concept Plan could be amended in order to satisfy governing review criteria, rather than proceeding directly to an up-or-down vote on the Concept Plan as filed. The Commission directed its staff and consultants to draft recommended amendments to the core elements of the Concept Plan necessary to satisfy governing review criteria based on the record. Staff and consultants presented those recommended amendments to the Commission during deliberations on May 27 and 28, 2008, and the Commission modified those recommendations and posted a preliminary set of Commission-generated amendments for public comment on June 4, 2008.

On September 23 and 24, 2008, staff and consultants presented recommendations to the Commission as to how the June 4th amendments should be revised in light of comments received. The Commission has modified those recommendations in the attached set of comprehensive amendments (*"Amendments to Core Elements of Plum Creek's Concept Plan Proposal Generated by the Land Use Regulation Commission at its September 23-24 Deliberative Sessions,"* dated October 1, 2008). The Commission has determined that Plum Creek's proposed Concept Plan would satisfy governing review criteria if it is amended in the manner described in this attachment. This determination is subject to the Commission's review and approval of specific language implementing these amendments, and does not bind the Commission's discretion to revisit this determination later in the process.

The Commission must now determine whether it is worthwhile to proceed with the development of specific language implementing these amendments to core elements of the Concept Plan. Therefore, by this letter I am requesting that Plum Creek, the Bureau of Parks and Lands, The Nature Conservancy, Appalachian Mountain Club and the Forest Society of Maine – parties having implementation responsibilities under the proposed Concept Plan as amended -- each formally respond in writing to LURC no later than 4:00 PM on October 14, 2008, and state whether it is prepared to accept Plum Creek's proposed Concept Plan as modified by the Commission's October 1, 2008 amendments. An affirmative response may be expressly conditioned on the development of specific language giving effect to the amendments that is acceptable to the implementing parties. However, this is not an invitation to negotiate additional revisions to the attached amendments, which represent the Commission's position on how certain deficiencies with the Concept Plan as filed must be resolved in order to satisfy governing criteria. To the extent any response is contingent on revisions to the attached amendments, it will be construed as a wholesale rejection of the amendments. Moreover, the implementing parties must understand that the process of developing specific plan language is not an opportunity to re-open those issues that the Commission has resolved in the attached amendments; instead it is simply a matter of drafting terms necessary to give effect to the amendments.

Sincerely,

E. Bart Harvey
Chair, Land Use Regulation Commission

Enclosure: Amendments to Core Elements of Plum Creek's Concept Plan Proposal Generated by the Land Use Regulation Commission at its September 23-24 Deliberative Sessions (October 1, 2008)

XC: Zoning Petition ZP 707